

# PLANNING COMMISSION MINUTES

August 23, 2000

## CALL TO ORDER:

Chairman Dan Maks called the meeting to order at 7:03 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Chairman Dan Maks, Planning Commissioners Bob Barnard, Betty Bode, Chuck Heckman and Vlad Voytilla. Commissioners Sharon Dunham and Eric Johansen were excused.

Senior Planner Steven Sparks, AICP, Development Services Engineer Jim Duggan, Associate Planner Colin Cooper, AICP, Traffic Engineer Sean Morrison, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

## VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

On question, staff had no communications at this time.

## OLD BUSINESS:

## CONTINUANCES:

Chairman Maks opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1     **A.     TA 2000-0004 -- TITLE 4 IMPLEMENTATION TEXT AMENDMENT**

2     *(Continued from June 14, 2000)*

3     This City-initiated proposal on amending Section 20.15.05.2.B.3. of the  
4     Development Code would, if approved, limit the amount of retail uses in the  
5     Campus Industrial (CI) zone to 60,000 gross square feet of building area. This  
6     amendment is proposed to bring the City into compliance with Metro title 4  
7     provisions.  
8

9     Senior Planner Steven Sparks presented the Staff Report and discussed the Public  
10    Hearing on June 14, 2000, observing that there had been a continuance and staff  
11    had been instructed to return with further information. He discussed the results of  
12    the 1996 Buildable Lands Analysis using a display map which showed those  
13    nonresidential parcels larger than 2 acres and were deemed vacant. The majority  
14    of those parcels that were identified vacant in 1996 are no longer vacant. Mr.  
15    Sparks continued by discussing how the proposed text amendment does not  
16    require Statewide Planning Goal 9 analysis. Because Metro had conducted a Goal  
17    9 analysis and adopted findings of compliance with Goal 9 in adopting the Urban  
18    Growth Management Functional Plan (UGMFP), further findings of compliance  
19    were not necessary because the proposed text was implementing Title 4 of the  
20    UGMFP. The proposed text would not prohibit large scale retail uses on a  
21    citywide basis. Other zoning districts would allow the establishment of large  
22    scale retail uses. There may be a limited supply of vacant land as demonstrated  
23    by the display map, but redevelopment opportunities exist throughout the City in  
24    particular the Regional Center area. Mr. Sparks provided the car sales lots as an  
25    example of redevelopment sites. He emphasized that this would provide  
26    significant redevelopment opportunities within the City of Beaverton, suggesting  
27    that continuing to provide retail uses elsewhere within the city and limiting it in  
28    the scarce industrial areas would best serve the interests of the City. He discussed  
29    information that had been distributed tonight, and offered to respond to any  
30    comments or questions regarding this proposal.  
31

32    Chairman Maks requested clarification of which zones he could locate a 70,000  
33    square foot Maks' Market.  
34

35    Mr. Sparks advised Chairman Maks that this could be located in all commercial  
36    and multiple-use zones within the City of Beaverton, as well as the Regional  
37    Center. He clarified that there are minimum FAR requirements within the  
38    Regional Center.  
39

40    Chairman Maks referred to the 50% glazed glass.  
41

42    Mr. Sparks informed Chairman Maks that this would include the street frontage as  
43    well, reminding him that there is an adjustment process for special design features  
44    and that Regional Center zones would permit such a large-scale retail use. He  
45    commented that the stereotypical big-box retail use would not necessarily comply  
46    with the design standard.

1 Commissioner Heckman questioned how much land between 92<sup>nd</sup> Avenue and  
2 Canyon Road, westerly to 172<sup>nd</sup> Avenue and Tualatin Valley Highway could  
3 possibly fit those redevelopment criteria.

4

5 Observing that he is not familiar with the addresses, Mr. Sparks advised  
6 Commissioner Heckman that he is not able to respond to this question.

7

8 Commissioner Voytilla referred to the Buildable Lands Analysis, specifically a  
9 reference to 3,000 parcels, with 2,700 parcels identified as having no constraints.  
10 He expressed his opinion that this is an extremely high number, and questioned  
11 the split for the 2,700 parcels.

12

13 Mr. Sparks advised Commissioner Voytilla that of the 2,700 parcels, 75% or more  
14 would be residential development.

15

16 Commissioner Voytilla referred to page 4, specifically an assumption that 25% of  
17 the available lands would be tied up for roads, storm and water detention. He  
18 expressed his opinion that this assumption seems very low, adding that residential  
19 development is close to 80% after deducting just for roadways.

20

21 Mr. Sparks observed that Commissioner Voytilla might be correct, adding  
22 however, that this assumption had been made in conjunction with Washington  
23 County and accepted by Metro and other jurisdictions within the county.

24

25 Commissioner Voytilla requested clarification of the amount of land lost due to  
26 some of the additional constraints, such as setbacks on floodways and waterways,  
27 since this report had been completed.

28

29 Mr. Sparks advised Commissioner Voytilla that this ranges from 50 to 200 foot  
30 buffers along waterways, as designated by Metro, adding that these areas had  
31 been subtracted from the total.

32

33 On question, Mr. Sparks assured Chairman Maks that these fall under Conditional  
34 Use Permits. He agreed with Chairman Maks' quick summarization that the  
35 language offered as an alternative to staff's proposal is difficult to understand and  
36 that he has concerns with potential future legal problems.

37

38 Chairman Maks requested clarification of whether the infrastructure is available  
39 to accommodate the maximum outright use generating large amounts of traffic on  
40 parcels.

41

42 Mr. Sparks commented that if that were the case, the issue would be much easier,  
43 emphasizing that this is not the case. He explained that planning is based on the  
44 Metro Regional Transportation Model for the entire region, which has been  
45 broken down into their (TAZs). Based upon his experience, he stated that these  
46 (TAZs) are not necessarily based on reality, and discussed the maximum

1 development potential for any given site for city-specific zoning, adding that  
2 broad assumptions had been made in developing the model. He stated that while  
3 he is not certain whether the model is totally accurate, he pointed out that it does  
4 not involve the worst case planning analysis necessary for an environmental  
5 impact analysis. He noted that the model may make sense on a regional level.  
6

7 Chairman Maks described the situation of eight industrially zoned parcels, adding  
8 that the highest traffic generator outright use that is automatically permitted  
9 generates a certain amount of maximum vehicular trips. He observed that the  
10 City of Beaverton does not necessarily have a transportation infrastructure plan in  
11 place to handle this.  
12

13 Mr. Sparks advised Chairman Maks that the basis for the City's Transportation  
14 System Plan (TSP) analysis was the Metro (TAZ) breakdown. Metro may have  
15 assumed that seven trips would be appropriate for this particular (TAZ), although  
16 specifically, it may involve twenty trips. He mentioned that the City's TSP  
17 analysis had broken the (TAZ's) down to further traffic zones, adding however,  
18 that the end result had matched Metro's numbers.  
19

20 Chairman Maks pointed out that Metro is not taking into account that the  
21 development of outright use on all eight parcels would create numerous traffic  
22 problems.  
23

24 Mr. Sparks advised Chairman Maks that to his knowledge, this statement is  
25 correct.  
26

27 Chairman Maks mentioned the possibility of forcing accommodation for the  
28 highest traffic generator.  
29

30 Mr. Sparks suggested the potential for establishing some level of criteria to  
31 accomplish this.  
32

33 Chairman Maks requested that Mr. Sparks expand on concerns regarding potential  
34 future legal ramifications.  
35

36 Mr. Sparks stated that he had discussed this situation with Assistant City Attorney  
37 Naemura, and described a situation in which an applicant could challenge a  
38 condition that is placed upon development approval. He expressed concern that a  
39 condition previously agreed to by an applicant may later be challenged.  
40

41 Chairman Maks suggested the possibility of conditioning an application to  
42 provide that the infrastructure be brought up to the current zoning standard plus  
43 their increase, expressing his concern that the applicant might challenge this at a  
44 later time.  
45

1 Assistant City Attorney Ted Naemura responded that this concern has been  
2 discussed.

3  
4 Mr. Sparks mentioned that this involves a larger policy issue for the entire region,  
5 specifically potential impact generated by these zones or acceptance of the  
6 regional transportation plan, noting that the region and the City might have a  
7 different level of service.

8  
9 Chairman Maks expressed his agreement that the City of Beaverton needs to be  
10 cognizant of regional transportation and concern with lands that do not involve  
11 any outside jurisdiction.

12  
13 Commissioner Heckman expressed his concern that the satisfaction of regional  
14 objectives could potentially create other problems.

15  
16 Mr. Sparks clarified that he has not personally conducted a specific traffic  
17 analysis for any (TAZs) where CI lands are located on a parcel by parcel level,  
18 expressing his opinion that the Metro staff includes competent, knowledgeable  
19 individuals. He emphasized that he is not in a position to determine whether the  
20 traffic model is correct or incorrect, adding that his experience with some (TAZs)  
21 within the City of Beaverton did not reflect what was potentially on the ground.

22  
23 Chairman Maks mentioned that the school district uses this method for population  
24 and student forecasting.

25  
26 Observing that there is no current application, Commissioner Barnard questioned  
27 why traffic is under discussion at this time.

28  
29 Mr. Sparks clarified that large-scale retail uses that typically have a high vehicular  
30 trip count will create a different traffic generation rate.

31  
32 Commissioner Barnard stated that he understands, although he still feels that this  
33 is making an assumption, and referred to the 100,000 square foot Maks' Grocery  
34 Store.

35  
36 Commissioner Barnard observed that even a 60,000 square foot grocery store will  
37 generate a greater traffic volume than a 100,000 square foot furniture store.

38  
39 Mr. Sparks agreed with Commissioner Barnard, reminding him that Metro has  
40 determined that 60,000 square feet is the limit and that there is an alternative  
41 option of tying it to transportation.

42  
43 Chairman Maks observed that this is not applicable under the ordinance that staff  
44 is proposing at this time.  
45

1 Commissioner Barnard questioned whether another argument regarding the  
2 60,000 square foot limit exists under Title 4 in addition to transportation.

3  
4 Mr. Sparks expressed his opinion that there is an implied argument that  
5 employment areas are attempting to draw local or sub-regional travel to an  
6 employment area and retain those vehicles in area and pointed out that large scale  
7 retail uses discourages employment opportunities. He mentioned the possibility  
8 of submitting an argument on a Title 1 level. He stated that if this text did not  
9 exist and an application was submitted today for a 100,000 square foot retail use,  
10 the scope of requiring conditions to address will be very limited, creating a great  
11 potential for abuse.

12  
13 Chairman Maks suggested that the scope would need to be broader.

14  
15 Mr. Sparks emphasized the necessity of a concerted effort to define the scope.

16  
17 Commissioner Heckman expressed his opinion that since Title 4 is both specific  
18 and open-ended, perhaps Metro could provide some direction.

19  
20 **PUBLIC TESTIMONY:**

21  
22 **TODD SADLO**, 1532 SE 36<sup>th</sup> Avenue, Portland, OR 97214, introduced John  
23 Ingle, and Carl Anderson and discussed the 1996 data for the Title 1 map,  
24 observing that he has provided more updated and accurate data, which indicates  
25 that there is no appropriate land available in the allowed areas. He mentioned that  
26 some uses could not possibly be located on a two-acre site, and expressed  
27 disagreement and discussed alternatives and options that might be available. He  
28 referred to Goal 9, observing that the City of Beaverton does not have a specific  
29 plan policy that implements this goal and relates specifically to this proposal. He  
30 mentioned an appeal filed in the City of Portland, observing that no one there has  
31 ever argued that compliance with Title 4 is also compliance with the goals. He  
32 mentioned that the Land Use Board of Appeals (LUBA) suggests that this is not  
33 the case, adding that goal compliance is still necessary. He expressed his opinion  
34 that this excerpt does not indicate that the Urban Growth Functional Plan  
35 complies with Goal 9. He referred to the first paragraph, which states: "These  
36 regional policies can be implemented in comprehensive plans, based on the  
37 analysis of each community's economic patterns and local economic development  
38 policies."

39  
40 Mr. Sadlo observed that he had requested information regarding the Goal 9  
41 inventory from staff, adding that only information regarding Title 1 had been  
42 received. He expressed his confusion with the origin of information indicating  
43 that parcels of adequate size, type, location and service level for commercial and  
44 industrial uses are available. He stated that although Metro has indicated that the  
45 proposal would be consistent with the Goal 9 findings, this is not true. He  
46 suggested that if retail uses over 60,000 square feet would only be allowed as

1 redevelopment, the plan should be amended to provide for this. Observing that  
2 there is a scarcity of industrial areas and all types of land within the boundary, he  
3 emphasized that the current issue involves an employment area. He stated that  
4 although this is a designated industrial area, Metro identifies this same area under  
5 employment and it involves a mixed zone. He pointed out that this 60,000 square  
6 foot ban is not limiting uses in the commercial/industrial zone for retail, adding  
7 that the development control area overlays already serve this function. He  
8 emphasized that the level of retail could be up to 10%, adding that industrial and  
9 mixed-use land is not being preserved from the ravage of retail uses. He  
10 emphasized that only a particular type of large-scale retail is being eliminated. He  
11 suggested that further analysis be required prior to going beyond what is required  
12 by Metro, emphasizing that the City of Beaverton needs to comply with the  
13 process established by State law, including Goal 9.

14  
15 Mr. Sadlo expressed his opinion that the existing system works well, and  
16 complimented the current Conditional Use Permit process, which includes  
17 subjective criteria. He stated that the overlay already limits retail uses. He  
18 emphasized that a quasi-judicial process provides the City with the ability to  
19 impose necessary requirements, adding that the vague criteria allows the City to  
20 make discretionary decisions. He referred to legal issues and the Dolan situation,  
21 expressing his opinion that if conditions are imposed upon an applicant beyond  
22 the rough proportionality of their impact, it is up to the local government to prove  
23 that the conditions are roughly proportional. He referred to several legal cases,  
24 including the Lincoln City situation, observing that the burden of proof was on the  
25 applicant. He concluded that the chain of horrors feared by staff is not relevant,  
26 emphasizing that the proposed language has already been accepted by Metro and  
27 implemented by the City of Portland. He pointed out that the City is  
28 implementing, not adopting, Title 4, adding that Metro will either accept or not  
29 accept what the City submits.

30  
31 Chairman Maks commented that he is somewhat leery of getting carried away  
32 with a limited study, adding that this is a legislative action that affects all parcels  
33 within the City of Beaverton.

34  
35 Mr. Sadlo questioned whether Chairman Maks has concerns that this area  
36 concerns a particular application.

37  
38 Chairman Maks assured Mr. Sadlo that this is not his concern at this time, adding  
39 that he is concerned that this study was limited in scope and did not include the  
40 entire City of Beaverton.

41  
42 Mr. Sadlo advised Chairman Maks that he is merely attempting to make certain  
43 that Title 4 is implemented correctly.

44

1        **JOHN INGLE**, 110 SW Yamhill Street #200, Portland, OR 97204, representing  
2        Palmer, Growth and Piatka, a real estate appraisal firm, described the process for  
3        the analysis he had prepared and submitted.

4  
5        Chairman Maks advised Mr. Ingle that the Commissioners understand and take  
6        these issues seriously.

7  
8        Mr. Sadlo mentioned that Carl Anderson is also available to respond to questions  
9        and comments.

10  
11        Observing that he understands Mr. Sadlo's concerns, Chairman Maks emphasized  
12        that he is in agreement with the concerns of staff as well. He emphasized that  
13        there are certain requirements for a denial.

14  
15        Mr. Sadlo expressed his opinion that there are always ways to build a denial.

16  
17        Chairman Maks advised Mr. Sadlo that this might involve a good discussion and  
18        topic for another place and time.

19  
20        On question, Mr. Sadlo assured Chairman Maks that he does not feel there is a  
21        problem with indicating that the Planning Commission prefers a certain type of  
22        development in certain areas, expressing his opinion that it is necessary to be  
23        realistic about the feasibility of particular parcel redeveloping. He advised  
24        Chairman Maks that the City of Beaverton does not actually have an inventory,  
25        emphasizing that there is actually nowhere for this particular type of use to locate  
26        and there is no reason to go beyond Metro's requirements.

27  
28        Commissioner Heckman commented that while he appreciates Mr. Sadlo's efforts  
29        in this analysis, he does not agree 100%.

30  
31        Chairman Maks observed that he is still attempting to convince Mr. Sadlo to agree  
32        with him 100%.

33  
34        Commissioner Barnard observed that he respects and appreciates Mr. Sadlo's  
35        input and involvement, requesting clarification of how the Planning Commission  
36        could use traffic as a basis for approval or denial when adequate information was  
37        not available.

38  
39        On question, Commissioner Voytilla indicated that he had no comments or  
40        questions at this time.

41  
42        Commissioner Bode commented that she is glad that women are allowed to vote.  
43        She mentioned that sufficient information is not available to predict the future,  
44        pointing out that Campus/Industrial sites are not a universal size.

45



1 Mr. Sadlo mentioned that a development greater than 60,000 square feet is not  
2 permitted, adding that because Campus/Industrial can be much larger, this limits  
3 the total amount of retail.

4

5 Observing that he appears to understand Commissioner Bode, Chairman Maks  
6 invited Mr. Sadlo to attend the weekly meetings of the Planning Commission.

7

8 **CARL ANDERSON**, 50 SW Pine Street #400, Portland, OR 97204, expressed  
9 his opinion that the 60,000 square foot cap is inappropriate, observing that 200  
10 1,000-square foot stores would have an equal impact to a 200,000 square foot  
11 store.

12

13 Commissioner Heckman questioned whether Mr. Sadlo can provide any  
14 suggested language to amend the Comprehensive Plan.

15

16 Mr. Sadlo emphasized that the City of Beaverton should not go beyond what is  
17 required of Metro.

18

19 Mr. Sparks expressed agreement with Mr. Ingle's assessment of the inaccurate  
20 Metro information, adding that while big box does and has existed, there is a  
21 limited amount of land available. He disagreed with Mr. Sadlo's comment that  
22 staff does not have sufficient policy direction to support the proposed text.  
23 Because policy exists and supports the proposed text, further Goal 9 analysis is  
24 not necessary. He questioned whether the City of Beaverton has a responsibility  
25 to provide every large scale use the opportunity to locate within the City. He  
26 observed that while staff is singling out big box development regarding this  
27 specific zone, they have not been singled out for a universal prohibition within the  
28 City. He commented that staff feels that this is consistent with Goal 9 by  
29 encouraging a broad range of uses throughout the City.

30

31 On question, Mr. Sparks advised Mr. Naemura that his reference had been to the  
32 Growth Management Functional Plan.

33

34 Mr. Sparks observed that the furniture store example might not be germane to the  
35 overall issue.

36

37 Chairman Maks emphasized that he is attempting to comply with Goal 9 by  
38 offering everything to the citizens.

39

40 Mr. Sparks advised Chairman Maks that different zones provide different  
41 opportunities, emphasizing that it must be determined how we want the city to  
42 develop with respect to its industrial areas, maintaining employment character and  
43 offering retail in a support mode.

44

45 Chairman Maks pointed out that the small retail uses in the Campus Industrial  
46 zones do not succeed.

1 Mr. Sparks suggested that a policy should be implemented indicating that this is  
2 not an appropriate use within the Campus Industrial areas.

3  
4 Mr. Naemura requested that Mr. Cooper be allowed to add sort of a footnote  
5 response to Mr. Sparks' comments.

6  
7 Associate Planner Colin Cooper explained that counsel is looking for specific  
8 examples of retail furniture stores that have established in commercial zones  
9 within the City of Beaverton that fall below the 60,000 square foot limit. He  
10 observed that the Cornell Home Center had been rezoned for a 40,000 square foot  
11 Lazy Boy Store and an additional 100,000 plus square foot retail development  
12 with separate retail components, and mentioned Bassett Furniture in South  
13 Beaverton.

14  
15 Chairman Maks pointed out that this is actually five separate furniture stores.

16  
17 Mr. Cooper expressed his opinion that the issue exists that the opportunity is  
18 available within the other commercial zones.

19 :

20 8:42 p.m. to 8:53 p.m. -- break.

21  
22 Commissioner Heckman expressed his reluctant agreement with staff, observing  
23 that any use greater than the proposed 60,000 square feet will create  
24 transportation problems.

25  
26 Commissioner Voytilla stated that he has not found a compelling need to make  
27 this particular adjustment at this time and that he is not comfortable with and does  
28 not support the proposal.

29  
30 Commissioner Bode expressed concern with placing a cap and limiting  
31 opportunity, emphasizing that she does not support this application.

32  
33 Commissioner Barnard observed that the City of Beaverton does not have enough  
34 land, period, adding that he supports this proposal which he feels meets the intent  
35 of the Campus Industrial zone.

36  
37 Emphasizing that the vote appears to be split, two to two, Chairman Maks stated  
38 that while he could abstain from voting on this issue, his preference is not to  
39 impose this limit, although he understands staff's intent to develop in a certain  
40 pattern.

41  
42 Mr. Sparks emphasized that action is necessary to provide compliance with Title  
43 4, recommending that the Public Hearing be continued to October 4, 2000.

44

1 Commissioner Heckman referred to the language used by Portland, observing that  
2 it does not include a 60,000 square foot cap and questioned how this satisfies the  
3 requirements of Title 4.

4  
5 Mr. Sparks advised Commissioner Heckman that he has been playing phone tag  
6 with the City of Portland's staff and has not received response to all of his  
7 questions.

8  
9 Commissioner Heckman suggested that staff's suggestion has merit, expressing  
10 his concern with maintaining the integrity of the Campus Industrial zone.

11  
12 Commissioner Voytilla expressed support of staff's suggestion for a continuance,  
13 adding that adequate information is not available at this time.

14  
15 Chairman Maks cautioned that staff might not be successful in their attempt to  
16 resolve this issue to the mutual satisfaction of everyone concerned.

17  
18 Mr. Sparks pointed out that the Commission is making a recommendation to the  
19 City Council.

20  
21 Commissioner Barnard emphasized that the potential applicant's statement that  
22 there is no where else for them to locate is not even an issue at this point.

23  
24 Commissioner Heckman **MOVED** and Commissioner Voytilla **SECONDED** a  
25 motion to continue TA 2000-0004 – Title 4 Implementation Text Amendment to a  
26 date certain of October 4, 2000, to provide staff and the City Attorney's office the  
27 opportunity to create a mutually acceptable compromise or solution that is neither  
28 a cap nor so vague as to create other problems.

29  
30 Motion **CARRIED**, unanimously.

31  
32 Commissioner Maks requested that copies of the recording of this meeting be  
33 forwarded to Commissioners Dunham and Johansen.

34  
35 **B. TA2000-0006 - FEMA Revised Beaverton Creek and Hall Creek Flood Maps**  
36 *(Continued from July 19, 2000)*

37 This City-initiated Development Code text amendment will, if approved, amend  
38 the City's floodplain regulations. The proposed amendments will affect all  
39 development and all properties in the City of Beaverton within the floodplain of  
40 Beaverton and Hall Creeks. The proposed text amendments to the Development  
41 Code, Section 60.05.10, are to acknowledge by reference, the "Flood Study for  
42 the City Beaverton" dated May 25, 2000, by the Federal Emergency Management  
43 Agency (FEMA). This is considered by FEMA to be a Letter of Map Revision.  
44 Revised maps have been prepared by FEMA, but will not be distributed by FEMA  
45 to the general public. Copies of the new maps will only be available from the

1 City of Beaverton and Washington County. The floodplain areas affected by  
2 FEMA revised flood insurance maps are:

- 3
- 4 1. Beaverton Creek (a portion lying approximately 500 feet east of  
5 Highway 217 near SW 5th Avenue northwesterly through to the  
6 Tualatin Hills Nature Park west of SW Murray Blvd.), and  
7
  - 8 2. Hall Creek (a portion lying approximately between Highway 217 and  
9 to the confluence of Beaverton Creek).
- 10

11 Development Services Engineer Jim Duggan presented the Staff Report and what  
12 he described as a fairly simple text amendment, observing that he has distributed  
13 copies of the revised version that includes the text amendment that was approved  
14 on August 16, 2000. He clarified that this text amendment acknowledges a new  
15 flood study that was prepared as a result of the completion of the West Side Light  
16 Rail Project. He pointed out that most of the affected areas on Beaverton Creek  
17 and Hall Creek are studied in more detail and have a more precise elevation and  
18 limits of flooding included than in our current floodplain maps.

19

20 Mr. Duggan mentioned that the floodplain has decreased in most areas along  
21 Beaverton Creek, although it has risen in some limited areas. He discussed the  
22 floodplain and efforts to provide the City of Beaverton and homeowners the  
23 opportunity to determine where the risk of flood exists. Concluding his  
24 presentation, he offered to respond to any questions or comments.

25

26 Commissioner Heckman requested clarification of why floodplain elevation is  
27 decreasing, expressing his opinion that increasing hard surfaces should have the  
28 opposite effect.

29

30 Mr. Duggan clarified that the flood elevation has decreased as a result of a more  
31 finite analysis on the culverts beneath Murray Boulevard and Beaverton Town  
32 Square, as well as Tri-Met improvements that widened out the floodplain in some  
33 areas and allowing for more conveyance in some locations. He observed that the  
34 modeling has improved since 1987, in terms of prediction, adding that the 1996  
35 information is superior to the 1987 information.

36

37 **PUBLIC TESTIMONY:**

38

39 On question, no member of the public appeared to testify at this time.

40

41 The public portion of the Public Hearing was closed.

42

43 On question, all Commissioners expressed support of the application.

44

45 Commissioner Barnard **MOVED** and Commissioner Heckman **SECONDED** a  
46 motion to approve TA 2000-0006 – FEMA Revised Beaverton Creek and Hall

1 Creek Flood Maps, based upon the testimony, reports and exhibits presented  
2 during the public hearing on the matter and upon the background facts, findings  
3 and conclusions found in the Staff Report dated July 19, 2000.

4  
5 Motion **CARRIED** unanimously.

6  
7 **C. RZ99-00020 - CORNELL ROAD REZONE OF TAX LOT 100**

8 *(Continued from August 2, 2000)*

9 Request for approval of a Rezone (RZ) to change the City's zoning designation  
10 from Office Commercial (OC) to Community Service (CS) on an approximately  
11 2-acre parcel located on the north side of Cornell Road, between 167th Place and  
12 Twin Oaks Drive. The development proposal is located on Assessor's Map 1N1-  
13 31AA, on Tax Lot 100, and is currently zoned Office Commercial (OC). The site  
14 is approximately 2.37 acres in size.

15  
16 Observing that she had not been in attendance on August 2, 2000 and had not  
17 reviewed a tape of the meeting, Commissioner Bode commented that she intends  
18 to abstain from participating in this application.

19  
20 Chairman Maks observed that a quorum is still available to vote on this  
21 application.

22  
23 Associate Planner Colin Cooper presented the Staff Report and provided brief  
24 background information of the Public Hearing of August 2, 2000, observing that it  
25 had been continued for the purpose of allowing Commissioners additional time to  
26 review the market analysis. Concluding, he offered to respond to any questions or  
27 comments.

28  
29 **APPLICANT:**

30  
31 **KEN SANDBLAST**, P. O. Box 38, Clackamas, OR 97015, Land Use Planning  
32 Consultant retained by the applicant, commented that while he has no formal  
33 presentation for this continued Public Hearing, he is available to respond to  
34 questions or comments.

35  
36 Commissioner Heckman observed that while he has no questions, he appreciates  
37 opportunity to review the market analysis, requesting clarification of how current  
38 this information is.

39  
40 **STEVE FERRARINI**, 14988 SE Bradford Road, Clackamas, OR 97015,  
41 advised Commissioner Heckman that the market analysis information is current as  
42 of the first quarter of 2000.

43  
44 On question, Mr. Ferrarini informed Chairman Maks that the normal vacancy rate  
45 for Office Commercial is approximately 7%.

46

1 Chairman Maks questioned the level of service at the intersection at 173<sup>rd</sup>  
2 Avenue, specifically whether both a convenience store and a fast food restaurant  
3 could be placed on this site.

4  
5 Mr. Sandblast clarified that this involves the most reasonable likely scenario,  
6 which is the highest trip generation, including a combination of what is likely, the  
7 intent of the applicant and the reality of the surrounding market.

8  
9 Chairman Maks reminded Mr. Sandblast that this is not the maximum use for the  
10 site and the Planning Commission is rezoning the land, not the most-likely  
11 applicant.

12  
13 Mr. Sandblast assured Chairman Maks that he is aware of this.

14  
15 Chairman Maks questioned the vehicular count of the intersection.

16  
17 Mr. Sandblast advised Chairman Maks that Exhibit 3 provides the vehicular  
18 counts for intersections.

19  
20 **PUBLIC TESTIMONY:**

21  
22 On question, no member of the public appeared to testify at this time.

23  
24 On question, Mr. Cooper indicated that he had no further comments at this time.

25  
26 On question, Mr. Naemura indicated that he had no comments or questions at this  
27 time.

28  
29 The public portion of the Public Hearing was closed.

30  
31 Commissioners Barnard, Heckman and Voytilla and Chairman Maks expressed  
32 their support of the application, and Chairman Maks indicated that he intends to  
33 abstain from voting on this issue because he feels that it is possible that additional  
34 Conditions of Approval may be necessary with regard to traffic.

35  
36 Commissioner Barnard **MOVED** and Commissioner Heckman **SECONDED** a  
37 motion to approve RZ 99-00020 – Cornell Road Rezone of Tax Lot 100, based  
38 upon the testimony, reports and exhibits presented during the public hearing on  
39 the matter and upon the background facts, findings and conclusions found in the  
40 Staff Report dated August 2, 2000, including Conditions of Approval No. 1; and  
41 the market needs analysis.

42  
43 Motion **CARRIED** unanimously, with the exception of Commissioner Bode and  
44 Chairman Maks, who abstained from voting on this issue.

45  
46 **APPROVAL OF MINUTES:**

1 Minutes of the meeting of July 19, 2000, submitted. Commissioner Voytilla  
2 referred to page 4, line 38, requesting that it be amended, as follows:  
3 "Commissioner Voytilla questioned whether the width of the ~~pedestrian path~~  
4 **distance between the garages** had been modified." Commissioner Heckman  
5 referred to page 19, line 45, requesting that it be amended, as follows: "...sort of  
6 a ~~clip-note~~ **Cliff's Notes** version..." Commissioner Heckman **MOVED** and  
7 Commissioner Voytilla **SECONDED** a motion that the minutes be approved, as  
8 amended.

9  
10 Motion **CARRIED**, unanimously, with the exception of Commissioner Bode,  
11 who abstained from voting on this issue.

12  
13 **MISCELLANEOUS BUSINESS:**

14  
15 The meeting adjourned at. 9:42 p.m.